

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA *ex rel.*
James Banigan and Richard Templin, et al.,

Plaintiffs,

v.

ORGANON USA INC., et al.,

Defendants.

CIVIL ACTION NO.
07-12153-RWZ

**JOINT MOTION FOR FINAL JUDGMENT AS TO
AKZO NOBEL AND THE ORGANON DEFENDANTS**

Plaintiff-Relators James Banigan and Richard Templin (“Relators”) and Defendants Organon USA Inc., Merck & Co., Inc., Schering Plough Corp., Organon Pharmaceuticals USA, Inc., Organon Biosciences N.V., and Organon International, Inc. (the “Organon Defendants”) move the Court for the entry of a Final Judgment under Federal Rule of Civil Procedure 54(b).

Relators, Akzo Nobel, N.V. (“Akzo Nobel”) and the Organon Defendants have entered into an agreement settling all claims alleged by Relators in this cause. Relators continue to allege and pursue claims in this cause against defendants Omnicare, Inc. and Pharmerica, Inc. However, there is no just reason for delay of the entry of a final judgment as to Akzo Nobel and the Organon Defendants. The States for whom Relators assert claims consent to the dismissal, with prejudice, of all claims alleged against Akzo Nobel and the Organon Defendants.

WHEREFORE, Relators and the Organon Defendants respectfully request that the Court enter a Final Judgment dismissing all claims, with prejudice to refiling, alleged by Relators against Defendants Akzo Nobel N.V., Organon USA Inc., Merck & Co., Inc., Schering Plough Corp., Organon Pharmaceuticals USA, Inc., Organon Biosciences N.V., and Organon International, Inc.

Date: October 21, 2014

Respectfully submitted,

**JAMES BANIGAN AND RICHARD
TEMPLIN,
Plaintiff-Relators**

By their attorneys,

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**ORGANON USA INC., MERCK &
CO., INC., SCHERING PLOUGH
CORP., ORGANON
PHARMACEUTICALS USA, INC.,
ORGANON BIOSCIENCES N.V.,
ORGANON INTERNATIONAL, INC.,
Defendants**

By their attorneys,

s/ David D. Fauvre
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this 21st day of October, 2014.

s/ David D. Fauvre